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EXAMINER
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ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/749,746	<b>Applicant(s)</b> ROSENBERG ET AL.	
	<b>Examiner</b> Akiba K Robinson-Boyce	<b>Art Unit</b> 3639	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Status of Claims**

1. Due to communications filed 2/1/05, the following is a final office action. Claims 1-8 have been cancelled. Claims 9, 10, 11 and 13-17 have been amended. Claims 20-23 have been added. Claims 9-23 are pending in this application and have been examined on the merits. Claims 9-23 are rejected as follows.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Klingman (US 5,950,172).

As per claim 9, Klingman discloses:

acquire post-use multiple-scale ratings from at least one user, said post-use multiple-scale ratings corresponding to at least one product, the one product also being rated by multiple-scale product ratings, each of said post-use multiple-scale ratings and each of said multiple-scale product ratings comprising a plurality of rating scores with respect to a plurality of corresponding rating scales, (Col. 9, lines 9-12, buyer obtaining

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rating information for product in question after purchase of product, w/ col. 9, lines 9-13, shows that the product is rated with a score within a range of scores);

analyze said post-use multiple-scale ratings, (col. 12, lines 51-55, mathematical analyses on scoring data); and

enable adaptive product recommendations based on the analysis of said post-use multiple-scale ratings, (Col. 12, lines 56-59, product may be reviewed and reviewers recommendations given, w/ Col. 4, lines 1-5, shows an example of top ten list of books (where the book is the product) have been used).

As per claim 10, Klingman discloses:

wherein said enabling includes *at least one* of:

updating said multiple-scale product ratings using a new multiple-scale rating generated based on the analysis resulted from said analyzing, (Col. 24, lines 31-38, determining a new score rating based on providers rating);

As per claim 11, Klingman discloses:

obtain a multiple-scale product rating of a product, said multiple-scale product rating being a plurality of rating scores corresponding to said rating scales, (col. 9, lines 7-9, rate product after the purchase of the product by assigning a score within a range of scores);

acquire post-use multiple-scale ratings of said product, said post-use multiple-scale ratings being a plurality of rating scores corresponding to the plurality of rating scales, (Col. 9, lines 9-12, buyer obtaining rating information for product in question

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after purchase of product, w/ col. 9, lines 9-13, shows that the product is rated with a score within a range of scores); and

adjust multiple-scale product rating based on the post-use multiple-scale ratings, (Col. 21, lines 55-57, scoring is updated to reflect buyer's input)

As per claim 12, Klingman discloses:

generating a new multiple-scale rating based on said post-use multiple-scale ratings, (Col. 24, lines 31-38, determining a new score rating based on providers rating);

revising said multiple-scale product rating of said product based on said new multiple-scale rating, (col. 21, line 55-57, scoring updated to reflect buyer's input).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13-23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingman (US 5,950,172), and further in view of Brown (US 6,611,842).

As per claims 13, 15, Klingman discloses:

obtain a plurality of/obtain pre-use multiple-scale selection specifications from a user, each of said pre-use multi-scale selection specifications being a rating score corresponding to a rating scale/comprising a plurality of rating scores with respect to a plurality of corresponding rating scales, (Col. 9, lines 7-9, buyer obtaining rating information for product prior to purchase, w/ col. 16, lines 27-31, displaying description

of product, w/ col. 9, lines 9-13, shows that the product is rated with a score within a range of scores);

acquire post-use multiple-scale ratings for said product, said post-use multiple-scale ratings corresponding to the product/acquire post-use multiple-scale ratings of said product from said user, each of the post-use multiple-scale ratings corresponding to product and being a plurality of rating scores with respect to said rating scales, (col. 9, lines 9-16, buyer's system is provided with rating information displayed to the buyer for ratings after the purchase of the product).

Klingman does not specifically disclose obtaining a recommendation for a product based on a proximity of said plurality of pre-use multiple-scale selection specifications to the multiple scale product ratings/and at least one multiple-scale product rating, each of said multiple-scale product ratings corresponding to a product and being a plurality of rating scores corresponding to the plurality of said rating scale, but does disclose multiple-scale product ratings in col. 12, lines 33-47.

However, Brown discloses:

obtaining a recommendation for a product based on a proximity of said plurality of pre-use multiple-scale selection specifications to the multiple scale product ratings/and at least one multiple-scale product rating, each of said multiple-scale product ratings corresponding to a product and being a plurality of rating scores corresponding to the plurality of said rating scale, (Col. 3, lines 17-30, shows automatically recording a television program [represents selection of the program as a product] based on the comparison of profile data associated with received signals

[represents pre-use data] and user profile data generated utilizing user histories of viewed programs, [represents multiple-scale product ratings since it is shown that lists of suggested products are selected based on product ratings corresponding to products identified within the user history data in col. 4, lines 27-37. Brown discloses this limitation in an analogous art for the purpose of showing that recommendations can be automatically generated based on correspondence with user profile history data.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to obtain a recommendation for a product based on a proximity of said plurality of pre-use multiple-scale selection specifications to the multiple scale product ratings/and at least one multiple-scale product rating, each of said multiple-scale product ratings corresponding to a product and being a plurality of rating scores corresponding to the plurality of said rating scale with the motivation of showing that products that haven't been used can be appropriately recommended to a customer based on the rating for a product that the customer has already used.

As per claim 14, Klingman discloses:

Create a multiple-scale personalized filter for said user based on said pre/post-use discrepancies, (Col. 24, lines 31-38, determining a new score rating based on providers rating).

Klingman does not specifically disclose generating pre/post discrepancies for the multiple rating scales by determining the difference between the pre-use multiple scale selection specifications and the post-use multiple-scale product ratings, but does disclose multiple-scale product ratings in col. 12, lines 33-47.

However, Brown discloses:

Generate pre/post discrepancies for the multiple rating scales by determining the difference between the pre-use multiple scale selection specifications and the post-use multiple-scale product ratings, (Col. 3, lines 17-30, shows automatically recording a television program [represents selection of the program as a product] based on the comparison of profile data associated with received signals [represents pre-use data] and user profile data generated utilizing user histories of viewed programs, [represents post-use multiple-scale product ratings since it is shown that lists of suggested products are selected based on product ratings corresponding to products identified within the user history data in col. 4, lines 27-37. Brown discloses this limitation in an analogous art for the purpose of showing that recommendations can be automatically generated based on correspondence with user profile history data.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to generate pre/post discrepancies for the multiple rating scales by determining the difference between the pre-use multiple scale selection specifications and the post-use multiple-scale product ratings with the motivation of showing that products that haven't been used can be appropriately recommended to a customer based on the rating for a product that the customer has already used.

As per claim 16, Klingman discloses:

Acquire post-use satisfaction ratings of said product from said user of said product, (col. 9, lines 9-16, buyer's system is provided with rating information displayed to the buyer for ratings after the purchase of the product);

Klingman does not specifically disclose determine a difference between said pre-use multiple scale selection specifications and corresponding said post-use multiple scale ratings to generate pre-/post-use discrepancies for the plurality of rating scales, (col. 12, lines 51-55, mathematical analyses on scoring data to provide a rating); and correlate the post-use satisfaction ratings with the pre/post –use discrepancies for the plurality of rating scales to identify which of the pre/post-use discrepancies substantially correlate with low values of said post-use satisfaction ratings, but doe disclose multiple-scale product ratings in col. 12, lines 33-47.

However, Brown discloses:

determine a difference between said pre-use multiple scale selection specifications and corresponding said post-use multiple scale ratings to generate pre-/post-use discrepancies for the plurality of rating scales, (col. 12, lines 51-55, mathematical analyses on scoring data to provide a rating); and correlate the post-use satisfaction ratings with the pre/post –use discrepancies for the plurality of rating scales to identify which of the pre/post-use discrepancies substantially correlate with low values of said post-use satisfaction ratings, (Col. 3, lines 17-30, shows automatically recording a television program [represents selection of the program as a product] based on the comparison of profile data associated with received signals [represents pre-use data] and user profile data generated utilizing user histories of viewed programs, [represents post-use multiple-scale product ratings since it is shown that lists of suggested products are selected based on product ratings corresponding to products identified within the user history data in col. 4, lines 27-37. Brown discloses this

limitation in an analogous art for the purpose of showing that recommendations can be automatically generated based on correspondence with user profile history data.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to determine a difference between said pre-use multiple scale selection specifications and corresponding said post-use multiple scale ratings to generate pre-/post-use discrepancies for the plurality of rating scales, and to correlate the post-use satisfaction ratings with the pre/post –use discrepancies for the plurality of rating scales to identify which of the pre/post-use discrepancies substantially correlate with low values of said post-use satisfaction ratings with the motivation of showing that products that haven't been used can be appropriately recommended to a customer based on the rating for a product that the customer has already used.

As per claim 17, Klingman discloses:

an acquisition unit for acquiring pre-use selection specifications from a user, each of said pre-use selection specifications specifying a desired product and being a plurality of scores corresponding to a plurality of rating scales, (Col. 9, lines 9-12, buyer obtaining rating information for product in question after purchase of product, w/ col. 9, lines 9-13, shows that the product is rated with a score within a range of scores, w/Col. 26,lines 15-19, shows a local subsystem which represents the unit);

a product rating storage mechanism for storing multiple-scale product ratings for a plurality of products, each of said multiple-scale product ratings corresponding to one of said products, (Col. 23,lines 64-67, save ratio information for storage);

an acquisition unit for acquiring post-use multiple-scale ratings for a product, said post-use multiple-scale product ratings comprising a plurality of rating scores corresponding to said product rating scales, (Col. 9, lines 9-12, buyer obtaining rating information for product in question after purchase of product, w/ col. 9, lines 9-13, shows that the product is rated with a score within a range of scores, w/Col. 26, lines 15-19, shows a local subsystem which represents the unit);  
a calibration unit for enabling adaptive product recommendations based on said post-use multiple-scale ratings.

Klingman does not specifically disclose a product recommendation unit for making product recommendations based on a comparison of said pre-use selection specifications and said multiple-scale product ratings, but does disclose multiple-scale product ratings in col. 12, lines 33-47.

However, Brown discloses:

a product recommendation unit for making product recommendations based on a comparison of said pre-use selection specifications and said multiple-scale product ratings, (Col. 1, lines 25, shows that purchase histories can be used to automatically recommend or advertise products, w/Col. 3, lines 17-30, shows a system for selecting products [for recommendation] where automatically recording a television program [represents selection of the program as a product] based on the comparison of profile data associated with received signals [represents pre-use data] and user profile data generated utilizing user histories of viewed programs, [represents post-use multiple-scale product ratings since it is shown that lists of suggested products are selected

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based on product ratings corresponding to products identified within the user history data in col. 4, lines 27-37. Brown discloses this limitation in an analogous art for the purpose of showing that recommendations can be automatically generated based on correspondence with user profile history data.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a product recommendation unit for making product recommendations based on a comparison of said pre-use selection specifications and said multiple-scale product ratings with the motivation of showing that products that haven't been used can be appropriately recommended to a customer based on the rating for a product that the customer has already used.

As per claim 18, Klingman discloses:

a calibration unit for enabling adaptive product recommendations based on said post-use multiple-scale ratings, (col. 12, lines 56-59, specialty sites).  
in said multiple-scale product ratings.

As per claim 19, Klingman does not specifically disclose a personalized filter generator to create a personalized filter for the user based on pre-/post-user discrepancies which are the differences calculated between said pre-use selection specifications and said post-use multiple-scale product ratings, but does disclose multiple-scale product ratings in col. 12, lines 33-47.

However, Brown discloses:

a personalized filter generator to create a personalized filter for the user based on pre-/post-user discrepancies which are the differences calculated between said pre-

use selection specifications and said post-use multiple-scale product ratings, (col. 11, lines 54-61, shows a filtered list of a list of products identified as corresponding to the classification of a user's personal preferences which the user has not previously purchased or rented). Brown discloses this limitation in an analogous art for the purpose of showing that filtered data can be generated base on user data.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate a personalized filter generator to create a personalized filter for the user based on pre-/post-user discrepancies which are the differences calculated between said pre-use selection specifications and said post-use multiple-scale product ratings with the motivation of having the means to recommend personal products.

As per claim 20, Klingman does not specifically disclose wherein said calibration unit includes a correlation unit, the correlation unit collecting a post-use overall rating for the product, determining pre-/post-ser discrepancies based on the difference between the pre-use selection specifications and the post-use multiple scale product ratings, and analyzing the pre-/post-use discrepancies to identify which of the rating scaled correlate to the post-use overall rating for the product, but does disclose multiple-scale product ratings in col. 12, lines 33-47.

However, Brown discloses:

wherein said calibration unit includes a correlation unit, the correlation unit collecting a post-use overall rating for the product, determining pre-/post-ser discrepancies based on the difference between the pre-use selection specifications and

the post-use multiple scale product ratings, and analyzing the pre-/post-use discrepancies to identify which of the rating scaled correlate to the post-use overall rating for the product, (Col. 3, lines 17-30, shows a system for automatically recording a television program [represents selection of the program as a product] based on the comparison of profile data associated with received signals [represents pre-use data] and user profile data generated utilizing user histories of viewed programs, [represents post-use multiple-scale product ratings since it is shown that lists of suggested products are selected based on product ratings corresponding to products identified within the user history data in col. 4, lines 27-37. Brown discloses this limitation in an analogous art for the purpose of showing that recommendations can be automatically generated based on correspondence with user profile history data.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include a correlation unit, the correlation unit collecting a post-use overall rating for the product, determining pre-/post-ser discrepancies based on the difference between the pre-use selection specifications and the post-use multiple scale product ratings, and analyzing the pre-/post-use discrepancies to identify which of the rating scaled correlate to the post-use overall rating for the product with the motivation of showing that products that haven't been used can be appropriately recommended to a customer based on the rating for a product that the customer has already used.

As per claims 21, 22, Klingman does not specifically disclose building an adjustment filter based on the identified rating scales which correlate to the post-use overall rating for the product/ Wherein the adjustment filter includes weighting the

identified rating scales to update the multiple-scale product ratings but does disclose multiple-scale product ratings in col. 12, lines 33-47.

However, Brown discloses:

Further including building an adjustment filter based on the identified rating scales which correlate to the post-use overall rating for the product/ Wherein the adjustment filter includes weighting the identified rating scales to update the multiple-scale product ratings, (col. 22, lines 55-62, new scorer causing the score to be updated). Brown discloses this limitation in an analogous art for the purpose of showing that filtered data can be generated base on user data.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to build an adjustment filter based on the identified rating scales which correlate to the post-use overall rating for the product/ Wherein the adjustment filter includes weighting the identified rating scales to update the multiple-scale product ratings with the motivation of having the means to recommend personal products.

As per claim 23, Klingman fails to disclose wherein the adjustment filter is incorporated into the product recommendation unit to filter the pre-use selection specifications, but does disclose product recommendations in Col. 12, lines 56-59.

However, Brown discloses:

Wherein the adjustment filter is incorporated into the product recommendation unit to filter the pre-use selection specifications, (Col. 14, lines 13-25, collaborative filtering). Brown discloses this limitation in an analogous art for the purpose of showing

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that lists of products selected by users can be utilized to generate lists of recommendations.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate an adjustment filter into the product recommendation unit to filter the pre-use selection specifications with the motivation of utilizing personal preferences to make a recommendation.

### ***Response to Arguments***

6. Applicant's arguments filed 2/1/05 have been fully considered but they are not persuasive.

As per claim 9, the applicant argues that Klingman does not disclose that the user inputs ratings on multiple-scales such as comedy or drama, modern or period, family or adult inputs. However, the applicant should have a clearer definition in the claim for these multiple-scales. It is not clear from the claim whether the term "multiple-scales" is referring to item topics for the products, or the numeric values used to rate the products. The examiner has interpreted these "multiple-scales" as the numeric values used to rate the products. Therefore, the examiner has cited the Klingman reference as disclosing these "multiple-scales" in col. 9, lines 9-13, where it is shown that the product is rated with a score within a range of scores.

Since claim 11 recites limitations similar to those of claim 9, claim 11 is still rejected for the same reasons as discussed above with respect to claim 9.

As per claims 10 and 12, these claims depend directly on claims 9 and 11, respectively, and are rejected for the same reasons as discussed above with respect to claim 9 and 11 respectively.

7. Applicant's arguments with respect to claims 13-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is

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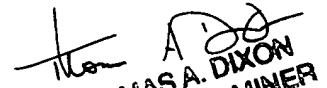
571-272-6734. The examiner can normally be reached on Monday-Tuesday 8:30am-5pm, and Wednesday, 8:30 am-12:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ARB

A. R. B.  
May 4, 2005

  
THOMAS A. DIXON  
BY EXAMINER